

animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Merck Sharp & Dohme Research Laboratories, providing for safe and effective use of Heartgard 30® (ivermectin) Chewables for dogs to prevent canine heartworm disease.

EFFECTIVE DATE: August 4, 1989.

FOR FURTHER INFORMATION CONTACT:

Marcia K. Larkins, Center for Veterinary Medicine (HFV-112), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3430.

SUPPLEMENTARY INFORMATION: Merck Sharp & Dohme Research Laboratories, Division of Merck and Co., Inc., P.O. Box 2000, Rahway, NJ 07065-0914, filed NADA 140-886 which provides for use in dogs of Heartgard 30® (ivermectin) Chewables. This drug product is a chewable cube indicated for prevention of canine heartworm disease. It is pharmacologically equivalent to the firm's currently approved Heartgard 30® (ivermectin) Tablets. The available dosage strengths and conditions of use for the two products are the same.

The NADA is approved and 21 CFR 520.1193 is amended to reflect the approval by revising the section heading and paragraph (a). The basis for approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The agency has determined under 21 CFR 25.24(d)(1)(iii) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 520

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, Part 520 is amended as follows:

PART 520—ORAL DOSAGE FROM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

1. The authority citation for 21 CFR Part 520 continues to read as follows:

Authority: Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)); 21 CFR 5.10 and 5.83.

2. Section 520.1193 is amended by revising the section heading and paragraph (a) to read as follows:

§ 520.1193 Ivermectin tablets and chewable cubes.

(a) *Specifications.* Each tablet and cube contains 68, 136, or 272 micrograms of ivermectin.

* * *

Dated: July 31, 1989.

Gerald B. Guest,

Director, Center for Veterinary Medicine.

[FR Doc. 89-18310 Filed 8-4-89; 8:45 am]

BILLING CODE 4160-01-M

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

36 CFR Parts 1153 and 1155

Authorities and Delegations and Statement of Organization and Procedures

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Final rule.

SUMMARY: The Architectural and Transportation Barriers Compliance Board at its May 10, 1989 meeting adopted amendments to its Statement of Organization and Procedures and Authorities and Delegations, which set forth the procedures for the Board and Board/committee meetings. The amendments to the Statement of Organization and Procedures and Authorities and Delegations were adopted to improve the orderly function of the office of the Architectural and Transportation Barriers Compliance Board as well as Board and committee operations.

The amendments to the Statement of Organization and the amendments to the Authorities and Delegations are being published so that all affected persons will be fully informed about procedures governing the meetings and to implement the act.

EFFECTIVE DATE: May 10, 1989.

FOR FURTHER INFORMATION CONTACT:

Elizabeth A. Stewart, Senior Attorney, Architectural and Transportation Barriers Compliance Board, 1111 18th St.

NW., Suite 5501, Washington, DC, (202) 653-7834 (voice or TDD).

SUPPLEMENTARY INFORMATION: Pursuant to section 502 of the Rehabilitation Act of 1973, Pub. L. 93-112, 87 Stat. 391, as amended, the ATBCB adopted its Authorities and Delegations on July 12, 1983. The Authorities and Delegations were published at 48 FR 53974 (1983) and codified at 36 CFR part 1153. The ATBCB adopted amendments to the Authorities and Delegations on September 11, 1985; March 9, 1988 and May 10, 1989. The major changes in the revised Authorities and Delegations passed by the ATBCB at its May 10, 1989 meeting are:

(1) Previously, the Chair of the Board had the responsibility to hire and fire staff at the GM-14 level and above, and approve promotions to the GM-14 level and above, with the consent of the Executive Committee. The Executive Director had the authority to detail, assign, hire and fire staff at the GM-13 level and below and to make recommendations to the Chair concerning staff at the GM-14 level and above. The amendments give the authority to the Executive Director to manage all staff at all levels and not limit authority to the GM-13 level and below with the exception of the General Counsel who shall continue to be confirmed by the Board.

(2) Previously the Chair had the authority to appoint division directors, with the consent of the Executive Committee. The amendments give the authority to appoint division directors to the Executive Director.

(3) The amendments provide that the Chair nominate the candidate for the position of Executive Director with the Board confirming.

(4) The amendments delete "sustained" from the phrase [the Executive Director is delegated the authority] "to provide sustained administrative leadership, * * *"

(5) The amendments provide that the Executive Director, not the committee chairs, will provide an evaluation of the staff liaison's performance after each meeting.

Pursuant to section 502 of the Rehabilitation Act of 1973, Pub. L. 93-112, 87 Stat. 391, as amended, the Architectural and Transportation Barriers Compliance Board (hereinafter ATBCB or the Board) adopted a Statement of Organization and Procedures on September 16, 1975. The Statement was published at 50 FR 1032 (1975) and codified at 36 CFR part 1155. The Statement was amended by the Board on May 9, 1977; March 14, 1978; March 11, 1980; May 10, 1983, May 12,

1986; September 16, 1987; March 9, 1988 and May 10, 1989. Some of the major changes in the revised Statement of Organization and Procedures passed by the ATBCB at its May 10, 1989 meeting are:

(1) The Executive Committee may authorize the request for legal advice from the Office of Legal Counsel, DOJ. Previously, a Board vote was required to seek advice from the Office of Legal Counsel.

(2) Changes the title of "Veterans Administration" to "Department of Veterans Affairs".

(3) Deletes the reference to the planned length of a Board meeting.

(4) Provides that proposed amendments to Board minutes may be made orally at the Board meeting.

(5) Increases the quorum for the Executive Committee to four from two.

List of Subjects in 36 CFR Parts 1153 and 1155

Authority delegations (Government agencies), Handicapped, Organizations and functions (Government agencies).

For the reasons stated in the preamble, chapter XI of title 36, Code of Federal Regulations, is amended by amending parts 1153 and 1155 as follows:

PART 1153—[AMENDED]

1. The Authority Citation for 36 CFR part 1153 continues to read as follows:

Authority: 29 U.S.C. 792, as amended.

2. In § 1153.2, paragraph (a) introductory text is republished for the convenience of the reader and paragraph (a) is amended by removing paragraph (10) in its entirety and by redesignating paragraph (11) as paragraph (10). Newly designated paragraph (10) is revised to read as follows:

§ 1153.2 Chair.

(a) To coordinate and organize the work of the Board in such a manner as to promote the prompt and efficient disposition of all matters within the jurisdiction of the Board. In carrying out these responsibilities, the Chair is delegated the authority to:

(10) Nominate the General Counsel and Executive Director, who are to be confirmed by the Board.

3. Section 1153.4 is amended by removing paragraph (d)(1)(ii) in its entirety; by redesignating paragraphs (d)(1)(iii) through (d)(1)(vi) as paragraphs (d)(1)(ii) through (d)(1)(v);

and by revising the introductory text of § 1153.4, the introductory text of paragraph (d)(1), paragraph (d)(1)(i), and paragraph (i) to read as follows:

§ 1153.4 Executive Director.

The Executive Director is nominated by the Chair and confirmed by the Board and is responsible to the Board under the supervision of the Chair. He or she has the following duties and responsibilities:

(d)(1) To provide administrative leadership, and supervision and management of staff activities in carrying out the policies and decisions of the Board under the direction and supervision of the Chair. Supervision of staff includes:

(i) Authority to detail, reassign and train all staff, hire, fire and promote staff except as prescribed in § 1153.2(a)(10) herein.

(i) To propose and implement changes in the functional organization of the Board staff offices, following a written notification to the Board of the nature and reasons for the proposed changes. Personnel actions necessary to implement such changes shall not be approved until there has been a meeting of the Board, following the Board's written notification of the changes.

§ 1153.6 [Amended]

4. Section 1153.6 is amended by removing paragraph (a)(2) in its entirety and by redesignating paragraph (a)(3) as (a)(2).

PART 1155—[AMENDED]

5. The Authority Citation for 36 CFR part 1155 continues to read as follows:

Authority: 29 U.S.C. 792, as amended.

6. Section 1155.1(d)(11) is revised to read as follows:

§ 1155.1 Organization and membership.

(d) * * *

(11) Department of Veterans Affairs.

7. Section 1155.2 is amended by revising the introductory text and paragraph (a)(3) and (h); by removing paragraph (j) in its entirety; by redesignating paragraph (k) as paragraph (j) and revising newly designated paragraph (j)(1) to read as follows:

§ 1155.2 Board meetings.

Regular meetings of the Board shall ordinarily be held on the Wednesday following the second Tuesday of every

other month, except as otherwise provided in paragraphs (a) (2) and (4) of this section. Whenever possible, all business shall be transacted at the regular meeting. The Board may elect to convene in executive sessions.

(a) * * *

(3) Special meetings of the Board shall be called by the Chair to deal with important matters arising between regular meetings which require urgent action by the Board prior to the next regular meeting. Voting and discussion shall be limited to the subject matter which necessitated the call of the special meeting. All Board members shall be notified of the time, place, and exact purpose of the special meeting a reasonable time in advance.

(h) *Agenda.* The Chair, with the approval of the Executive Committee, places items of business on the Board agenda. A written notice of ten (10) work days to the full Board is required for an item to become part of the Board's agenda. The ten (10) days notice requirement may be waived upon a two-thirds vote by the Board to suspend the rules of order.

(j) *Corrections, additions, or approval of Board minutes.* (1) The Executive Director shall send draft minutes of the previous meeting to each Board member within fifty (50) days following the meeting. Any corrections shall be submitted orally or in writing at or before the next Board meeting.

8. Section 1155.3 is amended by revising paragraph (a)(2) and by adding paragraph (a)(4) to read as follows:

§ 1155.3 [Amended]

(a) * * *

(2) *Quorum.* A quorum in the Executive Committee shall be four members, present in person. In the absence of a quorum, a meeting can be held only for the purpose of discussion and no vote may be taken.

(4) *Request for legal opinion from the Department of Justice.* The Executive Committee may, by a majority vote, seek legal advice on any matter from the Office of Legal Counsel, United States Department of Justice. The Board shall

not be bound by the opinion of the Office of Legal Counsel.

Stanley W. Smith,
Chair, Architectural and Transportation
Barriers Compliance Board.

[FR Doc. 89-18205 Filed 8-4-89; 8:45 am]

BILLING CODE 6820-BP-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2 and 15

[GEN Docket No. 87-389]

Operation of Radio Frequency Devices Without an Individual License

AGENCY: Federal Communications
Commission.

ACTION: Final rule; correction.

SUMMARY: FCC is correcting errors in the text and regulations contained in the First Report and Order in GEN Docket No. 87-389, as published in the *Federal Register* on April 25, 1989 (54 FR 17710) and in the full text of the decision released April 18, 1989 (FCC 89-103).

EFFECTIVE DATE: June 23, 1989.

ADDRESS: Federal Communications
Commission, 1919 M Street, NW.,
Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT:
John A. Reed, Technical Standards
Branch, Office of Engineering and
Technology, (202) 653-7313.

SUPPLEMENTARY INFORMATION:

List of Subjects

47 CFR Part 2

Communications equipment, Imports,
Radio, Reporting and recordkeeping
requirements, Television.

47 CFR Part 15

Communications equipment,
Computer technology, Labeling, Radio,
Reporting and recordkeeping
requirements, Security measures,
Telephone, Wiretapping and electronic
surveillance.

1. In § 2.1043, paragraphs (b) and (b)(3) are republished and paragraphs (b)(1) and (b)(2) are added to read as follows:

§ 2.1043 Changes in certificated equipment.

(b) Two classes of permissive changes may be made in certificated equipment without requiring a new application for and grant of certification. Neither class of change shall result in a change in identification.

(1) A Class I permissive change includes those modifications in the equipment which do not degrade the characteristics reported by the manufacturer and accepted by the Commission when certification is granted. No filing with the Commission is required for a Class I permissive change.

(2) A Class II permissive change includes those modifications which degrade the performance characteristics as reported to the Commission at the time of the initial certification. Such degraded performance must still meet the minimum requirements of the applicable rules. When a Class II permissive change is made by the grantee, he shall supply the Commission with complete information and the results of tests of the characteristics affected by such change. The modified equipment shall not be marketed under the existing grant of certification prior to acknowledgement by the Commission that the change is acceptable.

(3) Permissive changes, as detailed above, shall be made only by the holder of the grant of certification. Changes by any party other than the grantee require a new application for and grant of certification.

2. Section 15.37 is corrected to read as follows:

§ 15.37 Transition provisions for compliance with the rules.

Equipment may be authorized, manufactured and imported under the rules in effect prior to June 23, 1989, in accordance with the following schedules:

(a) *For all intentional and unintentional radiators, except for receivers:* Radio frequency equipment verified by the responsible party or for which an application for a grant of equipment authorization is submitted to the Commission on or after June 23, 1992, shall comply with the regulations specified in this part. Radio frequency equipment that is manufactured or imported on or after June 23, 1994, shall comply with the regulations specified in this part.

(b) *For receivers:* Receivers subject to the regulations in this part that are manufactured or imported on or after June 23, 1999, shall comply with the regulations specified in this part. However, if a receiver is associated with a transmitter that could not have been authorized under the regulations in effect prior to June 23, 1989, e.g., a transmitter operating under the provisions of §§ 15.209 or 15.249 (below 960 MHz), the transition provisions in this section do not apply. Such receivers

must comply with the regulations in this part.

(c) There are no restrictions on the operation or marketing of equipment complying with the regulations in effect prior to June 23, 1989.

3. Section 15.113, paragraph (f), is corrected to read as follows:

§ 15.113 Power line carrier systems.

(f) The provisions of this Section apply only to systems operated by a power utility for general supervision of the power system and do not permit operation on electric lines which connect the distribution substation to the customer or house wiring. Such operation can be conducted under the other provisions of this part.

4. Section 15.115 is corrected by adding the following note at the end of paragraph (b)(3), to read as follows:

§ 15.115 TV interface devices, including cable system terminal devices.

(b) * * *

(3) * * *

Note: Cable-ready video cassette recorders continue to be subject to the provisions for general TV interface devices pending further action by the Commission.

5. Section 15.209, paragraph (a), is corrected to read as follows:

§ 15.209 Radiated emission limits; general requirements.

(a) Except as provided elsewhere in this subpart, the emissions from an intentional radiator shall not exceed the field strength levels specified in the following table:

Frequency (MHz)	Field strength (microvolts/meter)	Measure- ment distance (meters)
0.009-0.490.....	2400/F(kHz)	300
0.490-1.705.....	24000/F(kHz)	30
1.705-30.0.....	30	30
30-88.....	100 **	3
88-216.....	150 **	3
216-960.....	200 **	3
Above 960.....	500	3

** Except as provided in paragraph (g), fundamental emissions from intentional radiators operating under this Section shall not be located in the frequency bands 54-72 MHz, 76-88 MHz, 174-216 MHz or 470-806 MHz. However, operation within these frequency bands is permitted under other sections of this part, e.g., §§ 15.231 and 15.241.

6. Section 15.231, paragraphs (b)(2) and (b)(3), is corrected to read as follows:

§ 15.231 Periodic operation in the band 40.66—40.70 MHz and above 70 MHz.

(b) * * *

(2) Intentional radiators operating under the provisions of this Section shall demonstrate compliance with the limits on the field strength of emissions, as shown in the above table, based on the average value of the measured emissions. As an alternative, compliance with the limits in the above table may be based on the use of measurement instrumentation with a CISPR quasi-peak detector. The specific method of measurement employed shall be specified in the application for equipment authorization. If average emission measurements are employed, the provisions in § 15.35 for averaging pulsed emissions and for limiting peak emissions apply. Further, compliance with the provisions of § 15.205 shall be demonstrated using the measurement instrumentation specified in that section.

(3) The limits on the field strength of the spurious emissions in the above table are based on the fundamental frequency of the intentional radiator. Spurious emissions shall be attenuated to the average (or, alternatively, CISPR quasi-peak) limits shown in this table or to the general limits shown in § 15.209, whichever limit permits a higher field strength.

7. Section 15.233, paragraphs (b), (d) and (e), is corrected to read as follows:

§ 15.233 Operation within the bands 46.60—46.98 MHz and 49.66—50.0 MHz.

(b) An intentional radiator used as part of a cordless telephone system shall operate on any frequency within 10 kHz of one or more of the following frequency pairs:

Channel	Base transmitter (MHz)	Handset transmitter (MHz)
1	46.610	49.670
2	46.630	49.845
3	46.670	49.860
4	46.710	49.770
5	46.730	49.875
6	46.770	49.830
7	46.830	49.890
8	46.870	49.930
9	46.930	49.990
10	46.970	49.970

(d) The fundamental emission shall be confined within a 20 kHz band centered on the frequencies listed in paragraph (b) of this section, as adjusted by the frequency tolerance of the transmitter at

the time testing is performed. Modulation products outside of this 20 kHz band shall be attenuated at least 26 dB below the level of the unmodulated carrier or to the general limits in § 15.209, whichever permits the higher emission levels. Emissions on any frequency more than 10 kHz removed from this 20 kHz band shall consist solely of unwanted emissions and shall not exceed the general radiated emission limits in § 15.209. Tests to determine compliance with these requirements shall be performed using an appropriate input signal as prescribed in § 2.989 of this chapter.

(e) All emissions exceeding 20 microvolts/meter at 3 meters are to be reported in the application for certification.

8. Section 15.239, paragraph (d), is corrected to read as follows:

§ 15.239 Operation in the band 88—108 MHz.

(d) A custom built telemetry intentional radiator operating in the frequency band 88—108 MHz and used for experimentation by an educational institute need not be certified provided the device complies with the standards in this Part and the educational institution notifies the Engineer in Charge of the local FCC office, in writing, in advance of operation, providing the following information:

9. Section 15.251, paragraph (f), is corrected to read as follows:

§ 15.251 Operation within the bands 2.9—3.26 GHz, 3.267—3.332 GHz, 3.339—3.3458 GHz, and 3.358—3.6 GHz.

(f) In addition to the labelling requirements in § 15.19(a), the label attached to the AVIS transmitter shall contain a third statement regarding operational conditions, as follows:

* * * and, (3) during use this device (the antenna) may not be pointed within ± ** degrees of the horizontal plane.

The double asterisks in condition three (**) shall be replaced by the responsible party with the angular pointing restriction necessary to meet the horizontal emission limit specified in paragraph (b).

10. All of the above corrections, except for §§ 15.115 and 15.233, resolve editorial errors that occurred during publication or provide additional clarity. The correction to § 15.115 incorporates the provisions contained in the Memorandum, Opinion and Order in

Gen. Docket No. 85-301 (adopted October 13, 1988, FCC 88-331, 53 FR 46615, November 18, 1988). The correction to § 15.233 incorporates the provisions contained in the Order adopted by the Commission on November 17, 1987 (FCC 87-355, 53 FR 1781, January 22, 1988). Those provisions were omitted by error.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 89-18354 Filed 8-4-89; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 88-217, RM-6169, RM-6465]

Radio Broadcasting Services; Jensen Beach, Melbourne, Port St. Lucie and Vero Beach, FL

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document at the request of St. Lucie Radio Corporation, See, 53 FR 19964, June 1, 1988, allots Channel 267A to Port St. Lucie, Florida, as the community's first local FM service. Channel 267A can be allotted to Port St. Lucie in compliance with the Commission's minimum distance separation requirements, provided the transmitter site is restricted to 9.3 kilometers (5.8 miles) southeast of the city in order to avoid short-spacing to Station WSTF (FM), Cocoa Beach, Florida, Channel 266C. The coordinates for this allotment are North Latitude 27-13-11 and West Longitude 80-18-25. With this action, this proceeding is terminated.

DATES: Effective September 15, 1989; The window period for filing applications will open on September 18, 1989, and close on October 18, 1989.

FOR FURTHER INFORMATION CONTACT: Nancy J. Walls, Mass Media, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 88-217, adopted July 11, 1989, and released August 1, 1989. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service,